

CHIROPRACTIC EXAMINING BOARD
REGULAR MEETING
MAY 10, 2001

MEMBERS PRESENT: Dale Strama, DC; Char Glocke; James Rosemeyer, DC; James Greenwald, DC; Bevier Hasbrouck Sleight, III, DC

MEMBERS EXCUSED: Susan Feith

LEGAL COUNSEL: John Schweitzer

STAFF PRESENT: Kimberly Nania, Karen Rude-Evans

GUESTS: Joe Kachelski, WAHP; Ron Hermes, WPTA; Marilyn Windschiegl, Wis. State Medical Society

CALL TO ORDER

Chair Dale Strama called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments: -Proposed stipulation in the matter concerning Michael S. Rusak, DC
-Proposed stipulation in the matter concerning John W. Zastrow, DC
-Information regarding application for temporary license of Jon Heyer
-Correspondence regarding chiropractic interns treating patients on Aids Ride in Wisconsin

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 5, 2001

MOTION: Bevier Sleight moved, seconded by James Greenwald, to approve the Minutes of April 5, 2001 as written. Motion carried unanimously.

APPROVAL OF MINUTES OF TELEPHONE CONFERENCE CALL OF APRIL 19, 2001

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the Minutes of the April 19, 2001 Conference Call as written. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Herrera was not available, but will meet with the Board at the next Board meeting.

PRESENTATION OF PROPOSED STIPULATIONS

JOHN W ZASTROW, DC

DOE attorney Mike Berndt presented a proposed stipulation in the matter concerning John W. Zastrow, DC. This matter will be deliberated on in closed session.

MICHAEL S RUSAK, DC

DOE attorney James Polewski presented a proposed stipulation in the matter concerning Michael S. Rusak, DC. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES

These reports were informational.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to withdraw the scope statement regarding nutritional supplements. Motion carried unanimously.

FINAL ADOPTION OF RULES RELATING TO DESIGNATING SPECIFIC TOPIC AREAS FOR
CE AND THE REQUIREMENT THAT CHIROPRACTORS NEED TO MAINTAIN
CERTIFICATION IN CARDIOPULMONARY RESUSCITATION

MOTION: Char Glocke moved, seconded by Bevier Sleight, to adopt the rules relating to designating specific topic areas for CE and the requirement that chiropractors need to maintain certification in cardiopulmonary resuscitation.

DISCUSSION OF RULE ON UTILIZATION REVIEW AND MEETING WITH THE OFFICE OF
THE COMMISSIONER OF INSURANCE

Dale Strama, James Greenwald, Kimberly Nania and John Schweitzer met with the Julie Walsh from the Office of the Commissioner of Insurance (OCI). Grievance procedures are in place for denied insurance claims. Every patient has the right to file a grievance when a claim is denied, and both patients and practitioners need to be educated on this. There is concern that the OCI rule language uses the term “physician” and does not include a reference to “chiropractor.” John Schweitzer will invite Julie Walsh, OCI, to attend the next Board meeting in order to continue the discussion on the OCI rule.

REPORT ON RANDOM AUDIT OF CE

Bevier Sleight and James Rosemeyer are developing a plan for the audit.

CORRESPONDENCE FROM WCA RELATING TO AN AD HOC COMMITTEE TO DEFINE A
CHIROPRACTIC ADJUSTMENT

Bevier Sleight will reply to WCA as directed by the Board.

FCLB 2001 DISTRICT II MEETING

This item was informational.

REVIEW APPLICATION FOR TEMPORARY LICENSE OF JON HEYER, DC

MOTION: Bevier Sleight moved, seconded by Char Glocke, to approve a temporary license for Jon Heyer, DC, upon receipt of verification of current licenses in good standing. Motion carried unanimously.

CORRESPONDENCE REGARDING CHIROPRACTIC INTERNS TREATING PATIENTS ON
THE AIDS RIDE IN WISCONSIN

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to maintain the Board's position that the use of chiropractic interns to treat patients on the Aids Ride in Wisconsin is not allowable. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Bevier Sleight move, seconded by James Rosemeyer, to go into closed session pursuant to Chapter 19.85(1)(a)(b)(f) and (g), Wis. Stats., for the purpose of deliberating on proposed stipulations, review of petitions for unlimited licenses, reviewing case status report, consulting with legal counsel and reviewing examination results. Roll call vote: Dale Strama – yes, Char Glocke – yes, James Greenwald – yes, James Rosemeyer – yes, Bevier Sleight – yes.

Open session recessed at 9:53 a.m.

RECONVENE IN OPEN SESSION

MOTION: James Rosemeyer moved, seconded by Char Glocke, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 10:55 a.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

DELIBERATION OF PROPOSED STIPULATIONS

JOHN W ZASTROW, DC

MOTION: Bevier Sleight moved, seconded by James Greenwald, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning John W. Zastrow, DC. Dale Strama abstained. Motion carried.

MICHAEL S RUSAK, DC

Char Glocke left the room prior to deliberation and during voting.

MOTION: James Greenwald moved, seconded by James Rosemeyer, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Michael S. Rusak, DC. Char Glocke abstained. Motion carried.

REVIEW OF PETITIONS FOR UNLIMITED LICENSES

RICHARD ESENBERG, DC

This item was tabled to the next meeting pending receipt of Richard Esenberg's current assessment.

LARRY E J RUSSELL, DC

MOTION: Bevier Sleight moved, seconded by James Greenwald, to grant an unlimited license to Larry E. J. Russell, DC. Motion carried unanimously.

CASE STATUS REPORT

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to close complaint **00 CHI 008** for insufficient evidence. Case advisor – James Greenwald. Motion carried unanimously.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to close complaint **00 CHI 049** for prosecutorial discretion (P1). Case advisor – James Greenwald. Motion carried unanimously.

REVIEW OF EXAM CHALLENGES

The Board reviewed the exam challenges. There was no change in scores for candidates 1001, 1019, and 1037. Candidate 1047 was allowed 5 additional points, for a new total of 75 (passing).

INFORMATIONAL ITEMS

The Board noted the informational items.

OTHER BOARD BUSINESS

James Rosemeyer reported on the Federation of Chiropractic Licensing Boards (FCLB) meeting held in San Antonio last month.

ADJOURNMENT

MOTION: Bevier Sleight moved, seconded by James Greenwald, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:25

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